

Message Text

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ACTION EUR-08

INFO OCT-01 SS-14 ISO-00 INR-05 CIAE-00 NSAE-00 NSC-05
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R 271647Z FEB 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 5133
INFO ALL EC CAPITALS
AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 03806

LIMDIS

USEEC

VIENNA FOR USIAEA

E.O. 11652: GDS
TAGS: PARM, ENRG, EEC, TECH
SUBJECT: AMBASSADOR SMITH'S DISCUSSIONS WITH EC PERMREPS

1. AMBASSADOR SMITH AND I MET INFORMALLY FEB 24 FOR ONE AND A HALF HOURS WITH THE COMMITTEE OF PERMANENT REPRESENTATIVES OF THE EUROPEAN COMMUNITY. THE CHAIRMAN, AMBASSADOR RIBERHOLDT OF DENMARK, IN HIS OPENING REMARKS FOCUSED DIRECTLY ON THE US REQUEST FOR RENEGOTIATION OF THE US-EURATOM AGREEMENTS AND COMMUNITY CONCERNS ABOUT THE INTENT AND SIGNIFICANCE OF NEW US NON-PROLIFERATION LEGISLATION. SMITH AVOIDED BEING DRAWN INTO AN OVER-ALL INTERPRETATION -- "IT'S COMPLICATED AND YOUR LAWYERS ARE AS GOOD AS OURS," BUT HE DID SAY THAT ON HIS READING OF THE ACT THE ONLY THINGS THAT COULD CREATE EARLY DIFFICULTIES IN OUR NUCLEAR RELATIONS WOULD BE EITHER NO REPLY TO THE US REQUEST THAT NEGOTIATIONS BE OPENED OR A NEGATIVE REPLY. HE CLARIFIED TIMING OF RESPONSE NEEDED TO AVOID LICENSE DENIAL AS BEING BEFORE ANY LICENSE REQUEST RECEIVED THIRTY DAYS OR MORE AFTER PRESIDENT SIGNS LAW.

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2. AMBASSADOR BARRE DE LA NANTEUIL (FRANCE) WAS IN AND OUT OF THE ENSUING CONVERSATION SUGGESTING AT VARIOUS TIMES A COMMUNITY REPLY THAT WOULD AGREE TO NEGOTIATIONS

ON SOME SUBJECTS BUT NOT OTHERS, E.G., MORE FLEXIBLE SUPPLY ARRANGEMENTS EARLY, REPROCESSING AFTER INFCE ENDS, THE GRANT OF AT LEAST PARTIAL PRIOR APPROVAL FOR REPROCESSING AT THE TIME THE COMMUNITY AGREED TO NEGOTIATE, OR EVEN BETTER FROM HIS STANDPOINT, RETURN OF THE LEGISLATION BY THE PRESIDENT TO CONGRESS FOR AMENDMENT TO PUT MATTERS OFF UNTIL AFTER INFCE. SMITH DEALT GENTLY BUT FIRMLY WITH EACH OF THESE IDEAS AND OTHER FRENCH POINTS FINDING MERIT IN THE IDEA OF EXPLORING DURING THE NEGOTIATIONS (NOT NOW) SOME DEGREE OF PRIOR APPROVAL OF REPROCESSING.

3. AMBASSADOR SIR DONALD MAITLAND (UK) ASKED HELPFUL QUESTION EARLY ON ABOUT RELATION OF INFCE TO NEGOTIATIONS WHICH GAVE SMITH OPPORTUNITY TO STATE WHAT HE HAD TOLD FRENCH LAST SUMMER, IN ESSENCE: NEGOTIATIONS WILL NOT BE CONCLUDED BEFORE INFCE "INSIGHTS" ARE AVAILABLE. AMBASSADOR EUGENIO PLAJA (ITALY) GAVE SMITH OPENING TO READ EXTRACT FROM SENATE COMMITTEE REPORT MAKING CLEAR THAT LEGISLATIVE INTENT WAS NOT TO INTERFERE WITH TRANSFERS OF NUCLEAR MATERIALS WITHIN THE COMMON MARKET. GERMAN REFERENCE TO SAFEGUARD CONCERNS VIS-A-VIS IAEA PERMITTED SMITH TO EXPLAIN FIRM LINE HE HAD TAKEN WITH SOVIETS IN VIENNA IN DEFENDING IMPENDING SETTLEMENT OF LWR ISSUES.

4. AMBASSADOR JOSEPH VAN DER MEULEN (BELGIUM) WELCOMED
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NEWS THAT US WOULD NOT SEEK INTERVENE IN INTRA-COMMUNITY TRANSFERS AND WENT ON TO WARN AGAINST US SEEKING TO DISCRIMINATE BETWEEN WEAPONS AND NON-WEAPONS STATES IN COMMUNITY -- POINT HE WAS MAKING IS OBSCURE BUT MAY RELATE TO BELGIAN CONCERN THAT US WOULD TREAT FRENCH AND BRITISH REPROCESSING PLANTS DIFFERENTLY THAN, SAY, BELGIAN PLANT.

5. WELL-KNOWN EUROPEAN POINTS ABOUT DIFFERING ENERGY RESOURCE ENDOWMENT, IMPORTANCE OF BREEDERS, AND CRITICAL ISSUE OF REPROCESSING WERE MADE AND COMMENTED UPON BY SMITH IN UNDERSTANDING FASHION WHILE MAKING CLEAR US VIEW OF DANGERS OF PREMATURE COMMERCIALIZATION OF PLUTONIUM ECONOMY. DUTCH AND GERMAN CHARGES ASSERTED REAL PROBLEM WAS PROSPECT OF NEGOTIATION WITHOUT END OR ENDING WITH AMERICAN EMBARGO OR ENDING WITH UNTHINKABLE EUROPEAN GRANT TO US OF RIGHT OF PRIOR APPROVAL BEFORE US SUPPLIED MATERIAL COULD BE REPROCESSED IN EUROPE. NONE OF THESE RESULTS WAS ATTRACTIVE, AND US SHOULD UNDERSTAND EUROPEAN RELUCTANCE TO START DOWN SUCH A ROAD. AMBASSADOR RIBERHOLDT COMMENTED THAT EUROPEANS ARE FRUSTRATED AND ANNOYED BY US PRACTICE -- OF WHICH THIS ONLY ONE EXAMPLE -- OF FORCING CHANGES IN INTERNATIONAL AGREEMENTS BY DOMESTIC

LEGISLATION. WAY WOULD HAVE TO BE FOUND FOR US COMMITMENTS TO HAVE SAME DEGREE OF STABILITY AS EUROPEAN COMMITMENTS.

6. IN RESPONDING TO VARIOUS POINTS, SMITH SAID HE COULD ENVISAGE LENGTHY NEGOTIATING PERIOD, BUT HE WAS PERSONALLY SATISFIED THAT MUTUALLY SATISFACTORY RESULT WOULD BE OBTAINED; TREATY WOULD IN THEORY ANSWER STABILITY POINT BUT WAS UNATTRACTIVE SOLUTION FOR OTHER REASONS INCLUDING LACK OF FLEXIBILITY THAT WOULD HAVE PRECLUDED MAKING ADJUSTMENTS SUCH AS EUROPEANS HAD SOUGHT AND OBTAINED IN

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FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 5134

INFO ALL EC CAPITALS

AMEMBASSY VIENNA

C O N F I D E N T I A L SECTION 02 OF 02 BRUSSELS 03806

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PAST; IT WAS NOT TO BE EXCLUDED THAT US LEGISLATION COULD BE CHANGED AT SOME POINT IN FUTURE TO TAKE ACCOUNT OF INFCE OR OTHER CHANGED CIRCUMSTANCES; INCORPORATION OF PRIOR APPROVAL CONCEPT RE REPROCESSING COULD ALSO BE EXPLORED.

7. THE LUXEMBOURG AMBASSADOR, THE IRISH CHARGE, THE SECRETARY GENERAL OF THE COUNCIL OF MINISTERS, AND THE DEPUTY SECRETARY GENERAL OF THE COMMISSION WERE ALSO PRESENT BUT DID NOT INTERVENE IN THE DISCUSSION.

8. COMMENT; MEETING WAS, I BELIEVE, EXTREMELY USEFUL AND AMBASSADOR SMITH'S PRESENTATION COULD HARDLY HAVE

BEEN IMPROVED UPON. BUT BEYOND THAT FOR THOSE WHO FOLLOW
UPS AND DOWNS OF US-EUROPEAN RELATIONS MEETING WAS IN ONE
SENSE "HISTORIC." TO BEST OF MY KNOWLEDGE, IT IS FIRST
TIME SENIOR US OFFICIAL HAS ENGAGED IN SEARCHING DIS-
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CUSSION WITH COREPER ON ISSUE BETWEEN US AND THE COMMUNITY.
PAST MEETINGS HAVE BEEN ESSENTIALLY INFORMATIVE, LARGELY
REPORTING ON WHAT HAD TAKEN PLACE IN DISCUSSIONS BETWEEN
COMMISSION AND US. INDEED, THAT WAS FORMAT AGREED UPON
FOR THIS MEETING, WHICH INCIDENTALLY WAS ONLY ACCEPTED
AFTER SOME AMBASSADORS CONSULTED WITH THEIR CAPITALS,
BUT AT OUTSET DANISH CHAIRMAN PROVOKED A GENUINE DIS-
CUSSION, WHILE REPEATEDLY STRESSING "INFORMAL" NATURE OF
PROCEEDINGS. AND LET IT BE NOTED, BUT NOT MENTIONED TO
OUR SENSITIVE EUROPEAN FRIENDS, THAT THE FAMOUS SYMBOLIC
PROBLEM OF THE TENTH MAN AT THE TABLE WAS AVOIDED. THERE
WAS NO TABLE* HINTON

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